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January 13, 2017

By ECF

Honorable Victor Marrero
United States District Judge
Southern District of New York
500 Pearl Street, Room 1040
New York, New York 10007

Re: United States v. Kun Shan Chun, a/k/a “Joey Chun,” 16 Cr. 518 (VM)

Dear Judge Marrero:

This case is not the story of a disloyal FBI employee out to harm the United States, but of a loyal, if misguided, son out to protect his beloved parents.

It must be said at the outset that Joey Chun loves the United States—the country that has given him and his family so much—and has no allegiance to China whatsoever. Joey spent only the first 11 years of his life in China, and those years were marked by poverty, desperation, and despair. His family longed to flee to the United States, a goal they accomplished when Joey was just a boy. In the United States he and his family achieved successes that would have been impossible anywhere else, and Joey is eternally grateful for the opportunities this country has provided. The United States has been—and always will be—the only place he calls home.

Given this background, Joey is all the more remorseful for and ashamed of his serious offenses. Against his better judgment he found himself passing sensitive information to an official with the Chinese government and hiding his misconduct from his employer, the FBI. He knows there is no excuse for the things he did.

But, in determining a just sentence, context matters. Joey committed his crimes out of an understandable desire to help protect his parents' substantial investment in a Chinese company. He was told by company representatives that interacting with the government official was necessary to do so—by appeasing the official, the company would prosper and Joey's parents would not lose their investment. At first, his behavior was innocuous,

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and he saw nothing wrong with that he was doing. It was only after facing great pressure to continue, and while fearing for his parents’ financial wellbeing, that he later crossed the line and engaged in conduct that was plainly criminal. And even when he did, he took steps he thought might minimize any direct harm to the United States.

Since the moment of his arrest he has taken steps to atone for his misdeeds and better himself. He has succeeded admirably in those efforts: he has volunteered for a community group, made progress in mental health counseling, and found gainful employment. He has had an unblemished record with Pretrial Services. In short, he has done everything he possibly can to prove he has learned his lesson.

For these reasons and others discussed in this letter, the Court should conclude that a prison term is unnecessary. It should instead sentence Joey to three years’ supervised release with one year’s home confinement. That is a meaningful sentence that recognizes both the seriousness of Joey’s offenses and the many mitigating factors present in this case. It is, in short, “sufficient, but not greater than necessary,” to satisfy the goals of sentencing. § 3553(a).¹

¹ The Court should not impose a fine as Joey—who of course lost his job at the FBI and now earns only \$1,000 per week—cannot afford to pay one. To begin, the PSR already shows a negative monthly cash flow of \$3,705. PSR ¶ 57. And though the PSR lists two homes in Joey’s name, one home [REDACTED] actually belongs to his parents and the other home [REDACTED] still carries a substantial mortgage. *Id.* Moreover, after being out of work for many months, Joey has now spent the \$16,000 in his personal savings account. *Id.* He therefore plainly lacks sufficient funds to pay a fine, as the Probation Office recognizes. PSR p.21.

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A. Joey Chun’s history and characteristics

“[Chun] was born in Canton, China, and grew up poor. ... [D]espite both of his parents working, food in the house was scarce.”

PSR ¶ 42

When Joey Chun was a child in China in the 1970s, his family sometimes did not have enough money to buy food for dinner. On those nights his parents went hungry so the children could eat. This was true even though both of Joey’s parents worked hard—his father was an electrician and his mother worked at the post office. The family certainly could not afford a television, or many of the other material comforts we in the United States sometimes take for granted. To Joey, China represented little more than struggle and privation.

Joey, his siblings, and his parents had only each other to rely on, and they developed a singular closeness and loyalty to one another as a result. His mother made sure the children went to school every day and studied diligently, and his father worked long hours to support them. But the family longed for a better life. So in 1980, when Joey was 11 years old, they moved to the United States to fulfill a simple dream: to work hard, follow the rules, and be rewarded for their efforts with a decent, humble existence.

*

At first, life in the United States was not much better than it had been in China. The family (at the time, three brothers, their parents, and their uncle) had little money and lived in a cramped studio apartment on Elizabeth Street in Chinatown. The children were ridiculed in school for their shabby clothes and sneakers, and because their parents, unable to afford school supplies, had sewn the children’s bookbags by hand. Joey—always the quietest and shyest—acted like the taunts did not bother him; the truth was they cut deeply. But he refused to complain: “When his clothes were worn out or buttons

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were missing, he would sew them back himself.” Letter from Keung Kin Chun and Qunying Tom (parents).²

Joey’s parents worked in garment factories and restaurants to support the family, but there was still not enough money. His twin brother recalls: “On the weekends we [would] shop around garbage dumps to pick up one or two jackets that we can wear and my parents would pick up some unwanted vegetables that are still good left in the garbage by the supermarket in order to save money for the family.” Letter from Kun Lun Chun.

Money was so scarce that Joey and his brothers eventually started working in the same garment factory as their parents. The children would leave school and head straight to the factory to work a shift—they had no time to play with their classmates or do any of the other things young children typically enjoy. At the factory they sewed buttons onto clothes and hung recently pressed clothes to dry. The sight of Joey and his brothers toiling in such a harsh place unsettled their parents, but Joey felt he had to contribute all he could to the family’s wellbeing.

Indeed, Joey has long embodied the concept of “filial piety”—a virtue of respect and care for one’s parents and elders—significant in many Chinese and Chinese-American communities. He has been deeply loyal to his parents, even more so, it is fair to say, than his own brothers. As his twin brother remarks, “He is always the quiet, shy, follower, and obedient to parents type.” Letter from Kun Lun Chan.

Joey’s parents put it simply: “Out of all [our] children, Joey is the most dutiful and understanding one” and “has shown filial piety towards us since he was young.” Letter from Keung Kin Chun and Qunying Tom. A story they tell in their letter to the Court about Joey’s actions one “severely cold” December evening when they were working at the factory illustrates the point and is worth excerpting in its entirety:

2 Letters from Joey’s family and community are attached as Exhibit A, in the order they are cited in this submission.

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As we had to finish a rush job that evening, we could not return home. Joey and his brothers brought us hot food and soup to the factory in the midst of a snow storm. With our joint effort, we finished our work very late and left the factory together. By then, the snow storm was getting worse and worse and the snow piled up to six to eight inches. It was difficult for us to move forward even for an inch. Joey took a shovel to shovel the snow and clear a path ahead of us. We moved ahead slowly with one step in a pile of heavy snow, and another step in shallow snow and walked home in the midst of the snow storm.

That December evening, his parents recall, was Joey's birthday.

*

As he entered his teen years, Joey persevered despite his family's economic struggles. He was a diligent student, focused and disciplined even while continuing to work shifts at the garment factory on nights and weekends. He did well academically after years of hard work learning to speak and read English. He graduated from high school in 1988.

In that same time period Joey's youngest brother, Jason, was born. Jason has Down syndrome and at 31 continues to live with his parents today. His entry into the family brought new challenges: Joey and his brothers embraced Jason and took care of him during the many hours their parents were at work.

After high school Joey enrolled in Farmingdale State College on Long Island (part of the SUNY system). He graduated with a bachelor's degree in electrical engineering in 1993. His twin brother attended with him. As always, Joey's devotion to hard work and family bordered on asceticism. His brother says: "During the college years we stud[ied] very hard and [had] almost no time for anything else, but it didn't stop my brother from getting a job on campus. He reminded me that we should never forget how hard our parents worked and put us through college." Letter from Kun Lun Chun.

Joey's parents also started to see their own hard work and frugality pay off. After working in the factory for many years they were able to purchase it from the owner. They would later sell the factory and use the money to purchase a laundromat.

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“Joey wanted to work for the FBI because he want[ed] to serve his country and contribute back to our country for what it ha[s] given us.”

Letter from Kun Feng Chun (younger brother)

After college Joey first found work at Kyocera Electronics Inc., which manufactured high-tech printers, as a service technician from 1993 to 1997. But Joey always wanted a government job—he wanted to feel like he was serving his community and his country. He applied to the MTA, NJ Transit, and various other jobs in New York City and elsewhere.

In 1997 he landed his dream job at the FBI. He worked there for 19 years as an electronics technician. He maintained equipment, assisted FBI staff members with technological difficulties, and set up communications infrastructure in various units across multiple field offices. After the September 11 attacks he worked around the clock at various FBI offices, including the one at 290 Broadway in lower Manhattan, to restore communications capabilities. He was justly proud of his work.

B. The offense

“Joey committed this mistake because he did not want his parents’ hard earned saving[s] to vanish and his mind was weak at that moment. ... He often reflects and holds himself responsible for doing a wrong deed to his country—the country that nurture[d] his development.”

Letter from Keung Kin Chun and Qunying Tom (parents)

1. False statements and contacts with a Chinese-government official

By the early 2000s, Joey’s parents had sold the garment factory and purchased a laundromat and dry-cleaning service. Around that time, an individual they knew from China offered them a chance to invest in a new Chinese company, Kolion. Kolion was a small outfit devoted to re-manufacturing printers and toner cartridges. Joey’s parents traveled to China to inspect the company and were impressed with what they saw. They were eventually persuaded to invest several hundred thousand dollars—a significant portion of their net worth—in exchange for a percentage of Kolion’s stock. From

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Kolion’s perspective, securing American investors was a boon that lent the company greater credibility in China.

Having invested such a large sum in Kolion, Joey’s parents very much wanted the company to succeed. At some point they thought perhaps Joey might have useful advice to offer the company; after all, he had worked for several years after college as a service technician at Kyocera, a company that manufactured high-tech printers, and so had some familiarity with Kolion’s industry.

Though Joey never put a dime of his own money into Kolion, he did begin communicating with Kolion representatives at their request. He began taking occasional trips to China and other countries to meet and socialize with them. Sometimes Joey traveled with his parents, sometimes alone. Kolion would pay for portions (but not all) of those trips as Joey’s parents were investors and Kolion was interested in whatever advice Joey might provide. Joey also occasionally researched publicly available technologies—things like printer cartridges and hard drives—that might interest Kolion.

At first Joey saw nothing wrong with this behavior. Kolion was an entirely legitimate company doing entirely legitimate work. His activities on their behalf were innocuous, and the fact that he was able to travel to interesting places on trips partially funded by Kolion was an exciting perk. For those reasons he did not disclose to the FBI all the individuals he met on those trips, in dereliction of his obligation to do so. This was a failure on his part that he deeply regrets.

On a trip around 2007 Joey was introduced to a relative of a Kolion representative. This relative, Joey would later learn, worked for the Chinese government, though Joey never learned in what capacity or at what level (at some point Joey speculated that the individual might be a “section chief” working in “law enforcement”). It was made clear to Joey that, for Kolion, it was important to maintain contacts in the Chinese government. The Kolion representatives told Joey they hoped to soon purchase a piece of land to build their own factory, and that such a purchase required government assistance. The representatives pressured Joey into speaking with the government official by suggesting that it would help protect Joey’s parents’ investment in their company.

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In the ensuing years, on rare occasions on trips abroad, Joey met and talked with the government official. Joey knew that engaging at all with anyone from the Chinese government was wrong, and it became clear over time that the official was interested in him because Joey worked for the FBI. Joey tried to put off speaking with the official as much as possible, and tried to avoid interacting with him. But the official continued to pressure Joey. He made his expectations explicit, telling Joey, “If you help me, I can help your mother.”

Joey eventually ended up crossing a line and providing sensitive information to the official on multiple occasions. For example, in response to the official’s inquiry, Joey sent an organizational chart relating to the FBI’s New York office. On that occasion Joey took steps to cause minimal harm—he copied the chart by hand and deleted FBI personnel’s names, leaving only their titles. On another occasion Joey took photos of fliers hanging in the FBI’s office relating to FBI surveillance technology and sent the photos to the official.

These and the other disclosures described in the PSR are conduct for which Joey has no excuse. He knows that passing this information was criminal, no matter what his motivations. He is deeply remorseful and ashamed of his actions.

2. The UC operation

By 2015 the FBI was investigating Joey and sent an undercover employee (the “UC”) to attempt to ensnare him in more serious charges. The UC introduced himself as “Jeff” and told Joey he was from out of town, worked as a contractor for cable companies, and was hoping to land some government work. As part of the ruse, the UC set out to befriend Joey by playing up their shared Chinese heritage—he called Joey and asked if he knew of a good dim sum restaurant, and whether Joey would be willing to accompany him to eat there. The UC told Joey he had no friends in New York, and insisted on paying for dinner.

Joey did not have many friends, either. He was always very close with his family, but was shy and introverted and so had trouble meeting new people. His twin brother says: “He does not like to socialize so he didn’t make many friends” Letter of Kun Lun Chun. Joey was excited at the prospect of a new friendship with the UC. Joey says, “It was nice to think I had a new friend all of the sudden.”

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Together Joey and the UC went to restaurants, lounges, and casinos. Joey found the UC pushy—he asked too many probing questions and often attempted to return the topic of conversation to Joey’s contacts in China. But Joey also enjoyed this new friendship and hoped it might continue. Joey tried to impress him, and blustered much more than he should have.

The UC told Joey he hoped to access Joey’s contacts in China. Joey wanted to be kind and help him out. After feeling pressured by the UC, and against his better judgment, Joey eventually attempted to arrange a meeting between the UC and the individuals Joey knew in China, including the government official. The meeting never occurred, but this was nevertheless a terrible error on Joey’s part for which he fully accepts responsibility.

The UC repeatedly suggested that Joey might benefit from the UC’s introduction to Joey’s Chinese contacts. Joey generally was not interested in payment, but the UC seemed intent on his agreeing to it. For example, when the government claims that Joey “wished to act as a sub-consultant to the UC” in his dealing with the Chinese, Gov’t Mem. 13, the actual conversation shows a pushy UC and a merely acquiescent Joey, who tells the UC that he “doesn’t want to get involved” and “doesn’t care about the money”:

| | |
|------|--|
| UC | Yea. My going rate is \$250 an hour, 250. I’m going to try to push for \$300 an hour, you know, cause, we’re gonna, if we’re going to go 50/50 on this, I got to jack it up higher, you know, so it’s worth it. So, like, if they, so if they tell us what do, like a, by project based [interrupted]. |
| Joey | [JEFF], I don’t care about the money, but I don’t really want to involve. But, you know, I don’t, you don’t have to pay me ... you can pay me a little bit, but I don’t want to, like, you know. |
| UC | Well, you’re going to be my sub-consultant. |
| Joey | Yea. |
| UC | So I’m the, yea, I’m, cause I’m the, I’m the company. |

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| | |
|------|---|
| Joey | I just [introduce] you, that's it, you know ... introduction, whatever they need, that's it, you know. |
| UC | Yea. |
| Joey | If I can help, I help. If I can't, then, that's it, you know. |
| | * * * |
| UC | Have you ever, have you ever considered this though? The reason they're not telling you anything is because you're not accepting payment from them. So they don't think you're serious, they may not. Maybe, so that's why I come in. |

At the same time, Joey was too weak-willed to tell his “friend” that he wanted nothing to do with him once the UC’s intentions to pass a classified document became clear. So Joey told the UC things he thought the UC would like to hear. When the UC pressured him, Joey tried to placate the UC by, for example, claiming to have sent an email to facilitate the document’s sale (he had never actually sent such an email).

But when push came to shove, Joey refused to play ball. The government acknowledges this: “To his credit, the defendant walked away from the transaction before it was completed.” Gov’t Mem. 21. While the government argues that his reasons for doing so were less than noble, *see id.*, the fact is that Joey was never going to assist the UC in passing classified information or engaging in any other conduct Joey thought would harm the United States. The government’s transcripts of Joey’s meetings with the UC are rife with examples of Joey’s comments to the UC demonstrating this. In just one example, Joey told to the UC:

So I mean, I wouldn’t do anything like that. Why why would I want to do something to jeopardize the the uh security of a country that I lived in all, that my family lived in. You know what I’m saying?

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C. Profound remorse

“When I first learned of Joey’s trouble I did not know what it is but he h[eld] my hands with his trembling body and cried. He t[old] me he is very sorry to the family and to the people that trusted him that he had chosen a wrong path that he is never able to turn back.”

Kun Lun Chun (twin brother)

To be around Joey now is to know with certainty that he feels profound, nearly bottomless remorse for his misdeeds. His regret is palpable—in his hunched shoulders, his quivering voice, and his anguished expression. His twin brother says that, at the time of Joey’s arrest, Joey “wanted to die and d[id]n’t want to face anyone that knows what he did but I told him dying will not change anything it only will cause everyone more pain and sadness.” Letter from Kun Lun Chun.

Joey himself has written the Court:

The United States of America has given me opportunities, freedom, and a chance at success in life. But with my actions in this case I not only ignored the core values of being an American citizen, I have betrayed the federal government who had trusted in me. … Your Honor, there is nothing that I can ask but to take responsibility for my wrongful actions.

Letter from Joey Chun (Ex. B).

D. Post-arrest behavior

From the moment of his arrest Joey has tried to make amends, and progress. He began mental health counseling in June 2016. He attends weekly sessions of both individual and group counseling, where he engages in Dialectical Behavioral Therapy, a proven treatment regimen that employs mindfulness and dialectical thinking, to treat his anxiety and depression. Those conditions existed prior to his arrest and no doubt contributed to his offense, and he has made impressive strides in getting them under control. Joey is a different person today than he was at his arrest. He is calmer, more thoughtful, and more

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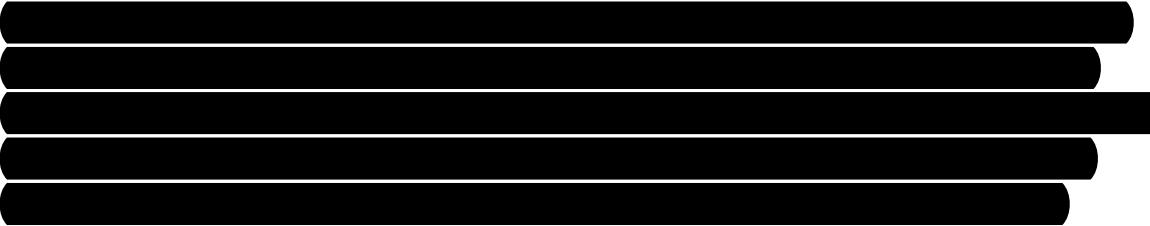
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engaged with the world around him, as his counselor notes. *See* Letter from South Beach Psychiatric Center (Ex. C).

Next, having lost his job at the FBI, Joey wanted to give back to the community in his spare time. For several months in 2016, while he was looking for work, he volunteered for 15 to 16 hours per week with the Fortune Society in Long Island City, Queens. There, he assisted formerly incarcerated individuals with things like resume writing and on-line job searching. *See* Letter from Fortune Society (Ex. D). The Fortune Society reports that, during Joey’s time volunteering there, he “demonstrated professionalism, kindness and empathy towards everyone he came into contact [with]. Nothing was too menial for him.” *Id.*

Joey has since found work. In December he landed a job working as a driver for a well-known transportation company. Even while on electronic monitoring with a curfew, he has managed to work long hours to support his family. He is earning about \$1,000 per week.

A series of five horizontal black bars of varying lengths, used to redact sensitive information.

E. The appropriate sentence

The Court should impose a sentence of three years’ supervised release with one year’s home confinement. That sentence would be “sufficient, but not greater than necessary,” to satisfy all legitimate sentencing goals. § 3553(a).

To begin, Joey accepted responsibility for his conduct by pleading guilty early and therefore sparing the government the sizable burden of bringing this case to trial. In particular, his quick plea permitted the government to avoid having to produce classified and otherwise-sensitive evidence and litigate the handling of that evidence under the Classified Information Procedures Act. These considerations and the benefit he could

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confer upon the government by pleading early expressly factored into his decision to do so. This is a mitigating factor that supports the requested sentence.

The § 3553(a) factors also support the requested sentence. Here we discuss those factors most pertinent to Joey’s case.

Nature and circumstances of the offense and the need for just punishment. Joey’s crimes were undeniably serious. At his guilty plea, he admitted that his actions fell within the range of conduct proscribed by 18 U.S.C. § 951 in that he undertook certain actions within the United States at the “direction” of a foreign government official.

But his conduct can hardly be considered a heartland § 951 violation. Joey engaged in none of the conduct typical of defendants convicted under that statute. He was not, for example, employed by or answerable to the Chinese-government official. In fact, he had no allegiance to the Chinese government at all, much less a steady relationship. He and the official had at most an informal relationship, spoke only sporadically, and did not communicate with one another between visits. And Joey could, and did, refuse requests from the official. And even when passing information Joey took steps to alter that information to make it less harmful to the United States. This was hardly the behavior of someone working exclusively to benefit the Chinese.

These facts—and the all-too-human reason Joey committed his crimes in the first place—mitigate his offense. In addition, Joey’s felony conviction and loss of his FBI career—to say nothing of the brutal media coverage he has endured—are additional punishments that are, in their own way, even more punitive than prison. *See United States v. Stewart*, 590 F.3d 93, 141 (2d Cir. 2009) (“It is difficult to see how a court can properly calibrate a ‘just punishment’ if it does not consider the collateral effects of a particular sentence.”).

Specific deterrence. There can be no question that Joey himself has been wholly deterred and is no threat to break the law again. His remorse is real and profound, as his own letter and those from his family make clear. From the moment of his arrest he has taken steps to better himself and ensure that he never reoffends. He has performed admirably, with an unblemished record with Pretrial Services and with full compliance with his bail conditions. This is the behavior of a person who has learned his lesson.

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General deterrence. The question of the role general deterrence should play in any sentencing is a complicated one, to say the least. Deterrence is, after all, “a phenomenon that is notoriously difficult (and perhaps impossible) to measure.” *United States v. Brady*, 2004 WL 86414, at *9 (E.D.N.Y. Jan. 20, 2004). Evidence-based studies support the conclusion that it is the certainty of apprehension rather than the severity of the ensuing legal punishment that more effectively deters crime. *See, e.g.*, Daniel S. Nagin, *Deterrence in the Twenty-First Century*, 42 *Crime & Just.* 199, 202 (2013) (reviewing empirical deterrence studies and their attendant literature).

In any event, Joey’s apprehension, felony conviction, the loss of his FBI career, and the attendant media coverage collectively send a strong message to others who might be tempted to engage in similar conduct. All of this means that, given the unique facts of his case, Joey has already contributed his fair share to the principle of general deterrence.

While the government is right to observe the “escalating threats posed by foreign intelligence actors,” Gov’t Mem. 3, the United States unfortunately will continue to face these threats from an array of actors and countries regardless of the length of Joey’s sentence. He should not be made a sacrificial lamb called to answer for a problem that is much vaster than him and his case. His sentence should be proportional to his specific conduct, and the Court should not seek to make an example of him.

Need for treatment. Imprisonment would derail the impressive progress Joey has made during the pendency of this case. Most importantly, he has made great strides while in mental health counseling, and should be permitted to continue this treatment. *See United States v. Hawkins*, 380 F. Supp. 2d 143, 165 (E.D.N.Y. 2005) (“[r]ehabilitation should not now be destroyed by … unthinking application of mechanical rules for imprisonment”).

Joey’s history and characteristics. Finally, we have discussed Joey’s history and characteristics at length. Joey grew up in poverty and worked exceptionally hard to achieve success in life. And he has been a loyal—indeed, overly loyal—son to his parents.

Of course, this is Joey’s very first offense. He takes what he did seriously and feels sincere remorse. He knows that he strayed far from his own moral code and wants nothing more than to prove that he is better than the worst things he has done.

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As his wife says, "I hope that next time when Joey's name appears in the newspaper, he is a person who is contributing positively to the society." Letter from Yan Yi Zhou. Given Joey's deep remorse and impressive efforts to better himself since his arrest, the Court should have no doubt this will be the case.

F. Conclusion

The Court should impose a sentence of three years' supervised release with one year's home confinement.

Sincerely,

/s/ Jonathan Marvinny
Jonathan Marvinny
Assistant Federal Defender
212.417.8792
jonathan_marvinny@fd.org

cc: Emil J. Bove III, Esq. (by ECF)

Exhibit A

Letter of support by Kun Shan Chun's parents translated from Chinese into English

██████████ Brooklyn, New York 11234

August 31, 2016

Honorable Victor Marrero
United States District Judge

Re: Kun Shan Chun a/k/a Joey Chun

Dear Honorable Judge Marrero:

How are you? We are Joey Chun's parents. We are sixty eight and seventy years old respectively and have retired for many years. In 1980, we brought our three children and emigrated to the United States. When we first arrived at the United States, as our educational level is not high and with no English language ability, we could only take up some low paying jobs with long working hours to survive and barely supported the livelihood of our family of five. Our economic condition was dire. As our working hours were long, our sons had to take care of themselves. Out of all my children, Joey is the most dutiful and understanding one. Whenever we had to work overtime, he was concerned that we might have an accident on the job. So he brought his brothers and walked to our garment factory and helped us to finish the work in hand so we could go home together. I recall that in December one year, the winter was severely cold and that date was Joey's birthday. As we had to finish a rush job that evening, we could not return home. Joey and his brothers brought us hot food and soup to the factory in the midst of a snow storm. With our joint effort, we finished our work very late and left the factory together. By then, the snow storm was getting worse and worse and the snow piled up to six to eight inches. It was difficult for us to move forward even an inch. Joey took a shovel to shovel the snow and clear a path ahead of us. We moved ahead slowly with one step in a pile of heavy snow, and another step in shallow snow and walked home in the midst of the snow storm. Watching how my dutiful sons struggled as they were poorly dressed without enough warm clothes and protective shoes, and how their skin turned to blue and purple due to the bitter weather, my eyes were overwhelmed with tears. Growing up from our poor family, Joey has shown filial piety towards us since he was young. He is kind hearted, diligent, frugal, and for many years, he did not ask us to buy him new clothes or shoes. When his clothes were worn out or buttons were missing, he would sew them back himself. At that time, as there were a lot of gangs in Chinatown, we were worried that the lack of parental guidance would lead our sons into gang participation and a wrong path. Our observation assured us that our son, Joey, had not been badly influenced, and instead, he had been able to pursue both his academic achievement and fulfill his family responsibilities at the same time. He was a very diligent student who treated others humbly with courtesy and respect. He was so highly motivated that we did not have to worry about him at all. From junior high school to high school to college, he excelled in his academic career. He was an outstanding student with excellent academic achievements and character. Soon after Joey's university graduation, he found a job in a government department and worked there for nineteen years. During that time, he paid off his college loans and helped us financially in our livelihood.

When our children had grown, we had saved some money through many years of hard work and frugality. With the help of Joey and our two sons, we started to operate a dry cleaning store and managed to improve our living standard. This was the time when I mistrusted a friend and committed the major mistake in my life by deciding to borrow some money from friends and use

my hard earned savings and invest it in China despite the opposition of my family members. That planted the seeds of the subsequent fall of Joey. I deeply regret that I brought Joey to China and let him be misled into believing the lie that it is guaranteed that his mother's investment capital will not be cheated. He was exploited and manipulated by these people. Joey committed this mistake because he did not want his parents' hard earned saving to vanish and his mind was weak at that moment. Joey has now honestly admitted his guilt and mistake, and is most remorseful of his action. He is regretful and determined to reform himself and will not commit the same mistake again. He often reflects and holds himself responsible for doing a wrong deed to his country- the country that nurtures his development. When this case is over, he will have suffered a lot of mental anguish and his reputation has been tarnished. While looking at my son's frail body troubled by so many health issues now, I am deeply ashamed of myself and in great agony. I regret that my wrongful decision has now pushed my son down a cliff indirectly. I wish to end my own life so as to pay for his mistake and save his. Your Honor, please have pity on us, as parents, and offer us some light for our future. We are seeking your leniency in sentencing Joey and grant my son a chance to reform himself and start a new life. We shall be most grateful!

Your Honor, thank you for taking the time from your hectic schedule to read this letter!

Sincerely yours,

Father and Mother

Brooklyn, New York 11234

August 31, 2016

Honorable Victor Marrero
United States District Judge

RE: Kun Shan Chun a/k/a Joey Chun

Dear Honorable Victor Marrero,

My name is Kun Lun Chun (Alan) and I am Kun Shan Chun (Joey's) older twin brother. I am writing to you regarding the upcoming sentencing of Joey and to share my appreciation for Joey's character and his contribution to society, and to seek consideration of leniency in his sentencing.

I have known Joey for all his life. Our relationship is like an unbreakable bond. We have grew up, worked and played together as a brother and as a friend. He is always the quiet, shy, follower, and obedient to parents type. Better yet my dad loved him the most in our family. When we first immigrated to the United States of America in December 1980, I shared an apartment bedroom with my two younger brothers and parents in New York City Chinatown. During that time our family is very poor and it is what our parents can afford with a part time job. On the weekends we shop around garbage dumps to pick up one or two jackets that we can wear and my parents would pick up some unwanted vegetables that are still good left in the garbage by the supermarket in order to save money for the family. As time passed, we started in the public elementary school (P.S. 130) in a 5th grader level bilingual class. We are the two skinny shy ones, always sitting in the back of the classroom struggling to understand English as our second language. Shortly after, we both headed off to Junior High School (P.S. 126). Our parents worked 7 days a week and found a good job in a garment factory and we were able to help out during the weekends and after school. Come to think of it I guess our parents did a good thing by having us work in the garment factory instead of us hanging out in the streets. Otherwise, we could have become a Chinese gang member during the 1980's violent gang era. As for our four years in High School, Joey went to Seward Park HS in Manhattan and I went to George Westinghouse H.S. in Brooklyn. Then we both decided to go to the same State University of New York at Farmingdale in Long Island to continue our higher education, to achieve our American dream.

During the college years we study very hard and almost no time for anything else, but it didn't stop my brother from getting a job on campus. He reminded me that we should never forget how hard our parents worked and put us through college. I'm always the slower learner one but he is always there to help me out with my school work and he is a 3.5 GPA student. He does not like to socialize so he didn't make many friends and always stayed out of troubles. Joey never had any fights or troubles with anyone during his school year life or even now. Finally, we both graduated in March 1993 with our Bachelor of Technology degree in Electrical Engineering.

After college, Joey continues to work in various jobs and he is always a hard honest worker. In 1997 he has accepted a job in the FBI, which our family, relatives and friends are all proud of him. He is always a workaholic, accepting any challenge that comes to him during weekday and sometime weekend as well. When he is free he is always helping the family to do all kinds of work, like house renovation, food shopping and sometime helping me out to baby sit my kids. We always hang out together during the weekend like supporting

the NYC bike ride volunteer program as a bike marshal for few a years. At one time there was a bad bike accident, my brother saw it first, he immediately rush to the injured person and provided her with assistance to stop the bleeding then we called 911. He is a person that always cares for others no matter what the situation is, for family members and friends. Anyone that who knows Joey can say the same. I am just so grateful he existed in my life, I just can't asked for anything more.

What keeps me believing in him and loving him is the fact that he is a great human being with a good heart. I'm very proud of him for working in the FBI for 19 years. I have never heard any complaints from him. I can imagine how hard he worked and how much he loved his job. I know his life is tough and people do make mistakes, no doubt my brother had made some bad mistakes and he is aware of the wrongness of his actions. I believed he committed such crime because he is a person that is always easy to trust others. His loyalty and friendly characteristic might have been taken advantage of by deceitful people through peer pressures, temptations and other reasons.

When I first learned of Joey's trouble I did not know what it is but he holds my hands with his trembling body and cried. He tells me he is very sorry to the family and to the people that trusted him that he had chosen a wrong path that he is never able to turn back. Till this day, I am still shaken by it. This is not my brother and I wish it was just a nightmare when I wake up everything would be back to normal. When the media expose the case to the world he wanted to die and don't want to face anyone that knows what he did but I told him dying will not change anything it only will cause everyone more pain and sadness. You have a family, a wife and friends that still love you and we will support you through this difficult time.

Your honor, I know my brother would be the first to say that he is wrong and is deeply sorry not just to the United States of America but the FBI who trusted him. This case impacted tremendous on my brother physically and mentally. He lost weight due to worries and pressures. Right now, he is undergoing weekly psychiatrist treatment for his mental wellbeing. Not only does this affected my brother but all of us that are part of his life. This especially affected his wife and both of our elderly parents because they are also very worried.

I believed an extended prison term will serves as a tremendous hardship for our family, friends and especially for his wife. We believe in the American values and the Federal government justice system. Joey certainly understands that he has done wrong and expressed the deepest regrets for his actions and this will never ever happen again. In the bottom of my heart, Joey has already learned a great lesson and a crime that he will carry forever in his life. I am not asking for forgiveness for my brother but to give him a second chance to correct his path. Lately, Joey has been making a lot of progress both physically and mentally even though he doesn't know what the future lies ahead of him. He proactively seeks volunteering jobs, knowing he is still under curfew restrictions, he believes in wasting no time, he just wants to continue to contribute to society and not be a burden. He wants to go back to work and to support his family and to move on with his life. I can promise I will help him in any possible ways to get him a job to start over again but I know it is not easy anymore. I have already started to check with some of my colleagues to see if there are job vacancies for him. Your Honor with my respect please don't let this happen, a twin brother without his twin, a wife without his husband, our parents without a son and I'm hoping your honorable will allow him to keep going with his normal live; we will all be there to support him.

Sincerely,

Kun Lun Chun

Brooklyn, New York 11235

September 5, 2016

Honorable Victor Marrero
United States District Judge

RE: Kun Shan Chun a.k.a Joey Chun

Dear Judge Marrero:

My name is Kun Feng Chun, I am the younger brother of Joey. When I first learned of the news that Joey was charged by the Department of Justice and his former employer, the FBI, for his crimes, I was in shock. How can my brother that I have known for over 40 years and grew up with possibly commit such crimes? The Joey that I have known for all these years is a dependable, trustworthy, caring, and loyal brother, friend and son. Although there are no excuses for his crimes, I truly believe that his lapse of judgment and actions got to the best of him. As they say, all actions have their consequences. Joey's actions are inexcusable and come with great consequences. He has lost his job, put under house and curfew ever since his arrest. He has suffered physically and mentally. I am asking your Honor for leniency so that Joey can have a second chance to show that he has learned from his mistakes and that he is a better person because of that.

Joey is not an enemy of the United States of America, he is not a spy, he is not a traitor, he is not a threat to national security and he never has. In fact, Joey had never committed a crime or got in trouble with the law in his entire life. Joey wanted to work for the FBI because he wants to serve his country and contribute back to our country for what it has given us. Our family immigrated to the United States in the 1980's and settled in Chinatown of New York City when we were very young. We came to United States because my parents believed that we can have a better future here. Life was difficult when we first got to New York. With debts that my parents need to repay and no English speaking or communication skills, my parents have no choice but to work in the garment factory. Due to our financial situation, my brothers and I also have to work in the factory whenever we are not in school. Although life is tough, we all stayed in school and got through the tough time in the 1980's when gangs were prominent in the school environment and in the neighborhood. Knowing where we came from, we overcame the odds, stayed in school and we all graduated from college.

When Joey first learned of the news that he got an interview with the FBI, he was ecstatic. He has been waiting for this opportunity for the longest time. A chance to work for the government and contribute back to our country was one of his dreams. His dream finally came to fruition when he got the job. Joey understands and abides by the protocols of his job since he has access to sensitive information at his job, he can never discuss or talk about what he does at work. In fact, over the 19 years that he has been with the FBI, he has never told me anything confidential or what he does at his job. The only thing that I know is, he is a technician and works in technologies and telecommunications. He loves his job and is very dedicated. During 9/11, he was there. He was part of the team that did a lot of the ground work to restore services in the community. That is why, the crimes that have brought against him baffles me because how can my brother commit such crimes?

Joey is more than a brother. He is also a dependable, generous and trustworthy friend. Whenever I am in need of help or assistance, he is the person to call. Personally speaking, I sometimes took advantage of my brother's generosity. Whenever I need something from Home Depot, BJs or the supermarket, I would simply text or call Joey and see if he can drop by and help me pick something up. He will always say yes and I can always count on him. He is not selfish, in fact, he is willing to help anyone in the family that needs help.

Your Honor, I am not asking you or the people of the United States of America for forgiveness. I am asking for leniency and ways for Joey to repay his country and the community for his actions and crimes. Joey is a very resourceful person, I think his skills and experiences can be put to better use if he can continue to contribute to society by serving his time on parole and by performing community service then serving jail time. Putting him in prison just put another financial burden on the taxpayers. He should repay society for his actions and not put a burden on them.

Joey has shown deep regrets and remorse ever since he was arrested. He feels ashamed and disgraced to our family and to the people that trusted him. Since his arrest, he has suffered physically and mentally. I can see that he has lost a lot of weight. Mentally, he is no longer upbeat and looks depressed because he is always thinking about his possible future in prison and after prison. To stay positive, he has seek psychiatric treatment to overcome his depression. With the encouragement and support of our family, he has made progress and are seeking ways to move forward with his life. I know it's too late for Joey to say sorry for his actions but I truly believe that he has never intended to hurt anyone or put the nation's security in jeopardy.

Jail time will also put an extreme amount of hardship on Joey and his wife since they are in the process of starting a family. Joey and his wife have been trying to get pregnant for some time and it's just recently that they have hope to be parents using in-vitro fertilization. All these things just happened so suddenly that I can't comprehend how this will impact his family and their future if he was to serve time in prison. The last time I spoke to Joey, he has come to terms with his actions and are willing to accept whatever consequences that come with it.

Your Honor, I hope that you can within your power and authority hand down a lenient sentence term for my brother Joey so that he can have a chance to repay this country and community for his mistakes and actions. Give him a chance to start over and be a better person and a parent.

Thank you for your consideration and understanding in this matter.

Sincerely,

Kun Feng Chun

Letter of support by Ms. Yan Yi Zhou, Kun Shan Chun's wife - translated from Chinese into English

Brooklyn, New York 11229

August 31, 2016
Honorable Victor Marrero
United States District Judge
Re: Kun Shan Chun a/k/a Joey Chun

Dear Honorable Judge Marrero,

I am Joey Chun's wife Yan Yi Zhou. I have known Joey for many years. My husband is a good and kind-hearted individual who loves his country - America, where he was raised. He is humble, straight forward, unmaterialistic (with no desire for fame or fortune), motivated to learn, and eager to help the underprivileged. What impressed me most was an unforgettable experience when Joey and I were still dating. My mother's leg and feet's ailment was so serious that she could not walk on her own and needed assistance in her mobility. Joey proposed to move my mother to his home so that he and I could take care of my mother together. When my mother stayed at his home, every day he did not mind cleaning my mother's wounds in her feet which gave a bad odor. In the morning, he assisted her to go downstairs, and at night, he assisted her back upstairs. When he was off, he would take her to medical appointments and never complain about it. His actions touched my heart. I understand that both Joey and I grew up from humble family backgrounds with unhappy childhoods. Since he was young, he needed to help his parents in a garment factory and take care of a younger brother who is mentally disabled. He is a dutiful son who observes filial piety. Based on his normal behavior, the fact that he had committed this mistake was because he was weak at that moment and misled into believing in the devil's lie: "This could guarantee his mother's investment in China would not be wiped out by others." His fall represented a momentary victory of the devil. Joey has admitted to me honestly the mistake that he had made and is very remorseful about it. This incident serves as a serious warning to him and he is determined to reform himself and will never commit the same mistake again. He often offers himself to do volunteer work. Since this incident has been exposed, our families and we have been suffering from mental agony due to continuous harassment from the media for interviews. My husband is now mentally and physically fatigued. His mental stress has caused him to become sick with various health issues including high blood pressure, high cholesterol, coronary disease, and complex depression, etc. He has lost over ten pounds in a relatively short period of time. He often vomits, with irregular heartbeats, and his health condition worries me very much.

I hope that your Honor will be lenient with him during sentencing, and give Joey a chance to reform himself. I shall be most grateful!

After this case is over, Joey and I intend to operate a small fast food store, and donate our food once weekly, free of charge to senior centers, and provide volunteer services to them to benefit our community. I hope that next time when Joey's name appears in the newspaper, he is a person who is contributing positively to the society.

Your Honor, thank you for taking the time out of your hectic schedule to read this letter!

Sincerely yours,
Zhou, Yan Yi

Shu Bin Zhu

Brooklyn, NY 11204

September 5, 2016

Honorable Victor Marrero
United States District Judge

Dear Honorable Victor Marrero:

My name is Shu Bin Zhu, I am a computer programmer. I'm writing to you regarding to my friend, Kun Shan (Joey) Chun.

Kun Shan (Joey) Chun's younger brother Kun Feng (Frank) Chun is my best friend when we both attended Polytechnic University. I graduated in 1994. Now our former university has changed its name to NYU Tandon School of Engineering.

I met Kun Shan (Joey) Chun around 1992 when Kun Feng (Frank) Chun invited me to go to a camping trip with his family. At that time, I lived in Bay Ridge Brooklyn, NY. Kun Feng Chun picked me up in his family work van. We drove to his home in New Jersey. I met his family and cousins; they welcome me with great hospitality especially his parents.

At that time, Kun Shan (Joey) Chun is the only one had a girlfriend among all the guys. He was a little slim and spoke in a softer voice compared to his twin brother Alan Chun. We all helped out and had a lot fun during camping. My college mate Kun Feng (Frank) Chun was the decision maker.

Prior to Kun Shan (Joey) Chun working for the FBI, he worked for Kyocera Inc. He was a printer service technician. My understanding was, he quit his job because it wasn't a challenging position, and often on the road a lot.

Around 1997, when Kun Shan (Joey) Chun approached me for reference for his FBI background check, I was very happy for him that he found a job he used to dream about. I know he will have a better future working for the US government than his current job.

During the FBI phone interview, I provided the same info as I am writing here. I met him during a camping trip from an invitation of my best friend in college. He seems to be a friendly person always ready to help. Kun Shan (Joey) Chun is a person easy to talk to. He talks straight and speaks his mind.

From my recollections, we all agreed that the country we were born in (People's Republic of China) and its Communist government has many problems. We were happy that our parents immigrated to the US and giving us an opportunity for a better future, and we all thankful for

that. Certainly United States has no exception, we all has to face certain racial and minority issues when we growing up.

I remembered when Kun Shan (Joey) Chun's longtime girlfriend left him; he was depressed for around two years. During that time, we all tried to help him see the brighter side of life. Since then, I haven't heard much regards to his personal life. However, three years ago, he told me he got married; I was astonished and happy for me at the same time. We were all waiting for him to become parents but after couple years, it still didn't happen. I think he is seeking help from the medical profession.

Kun Shan (Joey) Chun is a very helpful person. I remember him never refuse to drive and pick me up from the airport on many occasion. He always come to the rescue and helps out friends with anything. That shows a person with a good heart and very unselfishness.

Recently, one of my friend mentioned that Kun Shan (Joey) Chun was in the news. I was so shocked to read those news stories. My first impression was it must be a different person, not Joey Chun. My family was shocked too; I just can't comprehend someone like Joey Chun would commit such terrible crime.

I understand the world is not just black and white. Your Honor, Kun Shan (Joey) Chun has realized he makes some bad decisions and now a crime that he will carried forever in his lifetime. I believed he has already learned his lesson and willing take responsibilities and move on with his life. I just can't imagine how difficult for his family and wife going through this entire ordeal. Your Honor, I understood every action there is a reaction; hopefully, this reaction will not causes additional pain to, Kun Shan (Joey) Chun, and to his family. Your Honor, I believed in the American Justice System, I just hope you and the court can show some leniency on the sentencing in December for my friend.

Thank you so much for your time to read through this letter.

Sincerely,

Shu Bin Zhu

Brooklyn, NY 11235

September 5, 2016

Honorable Victor Marrero
United States District Judge

RE: Kun Shan Chun a/k/a Joey Chun

Dear Judge Marrero:

My name is Dr. Vivian Au. I am a Pharmacist working for the City of New York. I have known my brother in-law, Joey Chun, for about 18 years. In those 18 years, he has always been a responsible, helpful, accountable, and trustworthy person. I am glad and feel grateful that I can become part of his family. Joey not only takes good care of his immediate family, but also my family. He is always there when my family needs help. I still remember when my father's car broke down at about one o'clock in the morning, and Joey was the first one who offered to go out to help my father. When my father's car needs a replacement part, he was the first one who offered to help my father. After I delivered my first baby and busy taking care of the newborn at home, Joey did grocery shopping for us, and he tried his best to help us out. He always looks out for us and he goes out of his way to help his family. In addition, Joey is a person who concerns his family first before himself even in this devastated time. After he pleaded guilty in court on August 1, 2016, there were some reporters that came to my house the next day. Joey called us to ensure we were okay and he apologized for the disturbance. There are no words that I can describe how much he has been helping me and my family out in those years, and I wish I have a way to tell you how nice and thoughtful a person he is.

I was shocked when I first heard that Joey was arrested by FBI. I still cannot believe what he had done. I still cannot imagine such a good hearted person and a hard-working worker would commit something like that. I still remember my husband telling me how difficult their childhood was as new immigrants. How much his brother Joey helped his family, and how tough it was to work his way up. My husband told me that there were a lot of gangs in their neighborhood where they were growing up and making a wrong decision during that time could have lead them to becoming a gang member. Instead, Joey utilized his free time to help out in the factory where his parents worked. He also worked hard in college and graduated. Finally he got a job with the federal government. Everything seems to be on the right track, I still don't know why and how things turned upside down suddenly in his life. As an adult, there are many times that we have to make some life changing decisions in our life time, and this time Joey made some wrong decisions undoubtedly. Today, Joey really feels regrets for what he did and he would like to take the responsibilities. He knows that he was wrong, he is immensely sorry for betraying the trust that he had earned from the federal government, and disappointing the expectations of people and love ones. Your honor, please give him a chance to move forward. I know and I understand that an individual has to be responsible for what he had done as an adult, but he knows that he was wrong, and he already had learned his lesson.

After the arrest in March, Joey has been facing tremendous amount of stress that people cannot imagine. I had witnessed how his life has fallen apart in these few months, and how much he has to suffer emotionally and physically for the worst and the most foolish mistakes that he committed ever in his life. From the beginning of his arrest, he was confined in his house for 24 hours a day. He has lost a lot of weight and he has to see his psychiatrist weekly. He has to take medicine to calm himself down and fall asleep. Since his case was brought to light by the media, he continues to suffer greatly emotionally and physically. He feels ashamed to face anyone in the family and our relatives. [REDACTED]

[REDACTED] As a matter of fact, Joey already lost his job that he had worked for almost 20 years, and now he has to start a new life at 46 years of age, which is a significant obstacle for him and his family. I believe extended imprisonment is truly unnecessary since he feels extreme regret for what he did, he learned his lesson, and all those stressful sufferings already serve as an extensive punishment not only to him but also to his family, especially to his wife, who really wishes to start a family with him.

In these few months, I have witnessed how much Joey has suffered. I feel helpless because I cannot do anything to help him to overcome this difficult time, but I only can write this letter to you to let you understand better about Joey's character and how much he suffered in these few months. I understand that he made mistakes, he violated the trust of the government, but he has already faced the consequences which impacted the rest of his life and his family. Your honor, I ask you to please give Joey and his wife an opportunity to put their lives back together and move forward.

Thank you for your consideration!

Sincerely,

Dr. Vivian Au

Wei Lei

Brooklyn, NY 11223

August 24th, 2016

Honorable Victor Marrero
United States District Judge

Dear Honorable Victor Marrero:

I'm writing to you in regard to my friend Joey Chun. As a person that the FBI interviewed as reference when he applied for the FBI position 19 years ago, and knowing him since college, I'm fully qualified to say that Joey Chun is a sincere, kind and honest person that anyone would be proud to call a friend.

A hard working person, Joey Chun worked his way through college and landed his dream job in the bureau. I still remember how excited he was the day he received the job offer from the FBI. A law abiding citizen, he never ran into any kind of trouble. Often time, I see him driving home in his department vehicle and I would ask him to give me a ride. Every single time he refused, knowing it would violate his department regulation. He is the most dedicated employee I've known. Dedication not only to his job but also to his family, helping out in his parent's laundromat business during weekends.

Eager to help others, Joey is always there for friends: pickup from airport, moving furnitures..etc. Joey is a very trusting, some might even say gullible person. Which I think got him into his current situation, and it has caused a great deal of pain to him and his family. He felt he has not only dishonored himself, his family but also the Asian community. He has since shown remorse and regretted his actions, and willing to pay his debt to society.

Joey and his wife are trying to start a family for the last few years. I hope your Honor can give him a second chance, not to have him taking away from his family. I'm still standing by my statement as I told the FBI agents 19 years ago: Joey Chun is the most trustworthy, patriotic law abiding citizen I've known.

Sincerely,

Wei Lei

Exhibit B

Dear Honorable Judge Marrero,

I am writing this letter to express my sincere remorse for my irresponsible and wrongful actions. The United States of America has given me opportunities, freedom, and a chance at success in life. But with my actions in this case I not only ignored the core values of being an American citizen, I have betrayed the federal government who had trusted in me. There was no excuse for my actions and I accept full responsibility for what I've done.

I have worked hard all my life; I am no different from any other American, except that I know I have caused harm to the government of the United State of America. I became involved in the crime of passing sensitive information to a foreign government official. I committed such horrendous wrongful actions just trying to protect my elderly parents' investment of a large part of their life savings in China. I know now, I should have never ever engaged in such wrongful actions, this not only affected my family, but affected my beloved country, the United States of America.

Since the date of my arrest I have cooperated with the FBI. I have been actively seeking counselling to help my anxiety, I have volunteered my time in community service, and I have been seeking employment. Currently, I am working.

In closing, Your Honor, there is nothing that I can ask but to take responsibility for my wrongful actions. I have learned a great lesson in life and it's something that I will never ever forget as long as I live. I am not asking the Court for forgiveness, but I am asking for leniency in exchange for my service to the community and time to correct my irresponsible wrongful actions. Thank you for your time, Your Honor.

Joey Chun

Exhibit C



**South Beach
Psychiatric Center**

ANDREW M. CUOMO
Governor

ANN MARIE T. SULLIVAN, M.D.
Commissioner

ROSANNE GAYLOR, M.D.
Executive Director

Fort Hamilton ORD
8710 - 5th Avenue
Brooklyn, New York 11209
(718) 680 - 0006 Fax (718) 492 - 7518

December 20, 2016

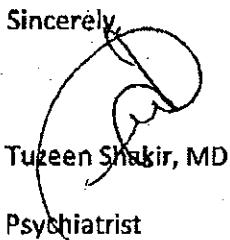
To Whom It May Concern:

Mr. Chun Kun started his treatment at our clinic on June 9, 2016. He presented symptoms of anxiety, feeling distraught, has erratic sleep, unable to focus and concentrate, and worrying about his future. Mr. Chun also reported having heart palpitation and shortness of breath.

Mr. Chun was diagnosed with Adjustment Disorder with anxiety features. He is currently prescribed Buspar 10mg Bid. He also took Ativan as needed for a short period of time. He also was seen weekly for individual psychotherapy to help him to deal with his anxiety and acceptance to his current situation. He was also referred to participate in weekly Dialectic Behavioral Therapy skills group in the clinic to help him learn skills to deal with his distressing situation and his emotions.

Mr. Chun has been compliant with his treatment regime and has shown good attendance in both his individual psychotherapy, and in the Dialectic Behavioral Therapy skills group. He reported mood to be less anxious and he is more future oriented. Mr. Chun has shown good progress in his treatment. He is calm, cooperative, and pleasant. He denied having suicidal/homicidal ideation.

Sincerely,


Tuzeen Shakir, MD

Psychiatrist



Sook F. Siew, R-LCSW

Social Worker II

A FACILITY OF THE OFFICE OF MENTAL HEALTH

Exhibit D



The Fortune Society
BUILDING PEOPLE, NOT PRISONS

29-76 Northern Boulevard
Long Island City, NY 11101
T 212.691.7554
F 347.510.3456

November 21, 2016

Honorable Victor Marrero
United States District Judge

RE: Kun Shan Chun a/k/a Joey Chun

Dear Honorable Victor Marrero,

I am delighted to write on behalf of Mr. Joey Chun. The Fortune Society's mission is to Building People, Not Prisons. During the past two months, Joey Chun has been volunteering in our organization helping us to build people. He started volunteering with us on September 15, 2016 and has been faithfully showing up every week since then for approximately 15-16 hours per week. In the short time that he has been here, he has proven himself over and over again. He assisted formerly incarcerated clients as well as other clients with barriers to employment with resume writing, applying for jobs online, and creating email accounts for clients. He also assisted the Vocational Counselor, Account Managers and Program Coordinator with outreach and recruitment for our vocational programs and job fair.

During this entire period, Mr. Chun has been demonstrated professionalism, kindness and empathy towards everyone he came into contact. Nothing was too menial for him. He was (is) a reliable, conscientious, and hardworking individual who we have trusted and relied on. I truly believed, if there is an opportunity for him anywhere, that he will be an invaluable asset to such organization.

While here, Mr. Chun has opened up to us and we know that he is in the midst a life changing event. But given his experience here, I expect him to be able to deal with such event with dignity, grace and perseverance. In life, bad things happen to Good people, and Good people deserve a second chance. In my humble opinion, Mr. Chun is one of those Good people. I fully encourage and hope that every available opportunity and mercy be afforded him.

Mr. Chun is part of The Fortune Society now, and as family, we will continue to support him in every way that we can. Please do not hesitate to contact me at the number or email printed below, should you have any further information.

Very truly yours,

Rafael G. Rodriguez, JD
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